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GUEST EDITORIAL

CIA Versus the Private Citizen

(The Des Moines Register)

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An undercover agent of the Central Intelligence Agency has escaped liability for slander through a federal court ruling that he need not testify in a suit against him. The decision throws the protective cloak of "national security" over a federal agent and appears to leave the ordinary citizen defenseless against possible malicious defamation by a government employee.

Chief Judge Roszel Hyde of the U. S. District Court in Baltimore last week dismissed a slander suit against Juri Raus, an Estonian emigre and agent of the CIA. Raus had been sued by another Estonian emigre, Eerik Heine, on charges of falsely naming Heine before a public meeting of anti-Communist refugees as an agent of the Soviet secret police.

The issue is not the truth of the accusation — a question which has not been considered by any court — but the fact that the CIA has been upheld in its interference with the administration of civil justice. As the CIA saw the matter, it couldn't win, however the case came out. If it had to pay damages to Heine for slandering him, this would have cast discredit on CIA sources of information; if it were to prove the truth of the accusation, this would have revealed those sources.

Therefore, the CIA refused to let Raus testify beyond the statement that he was a CIA agent acting under orders in accusing

Heine. CIA Director Richard Helms told the court that "it would be contrary to the security interests of the United States for any further information pertaining to the use and employment of Juri Raus by the agency in connection with Eerik Heine to be disclosed."

Judge Hyde ruled that the "activities of the CIA to protect its foreign intelligence sources . . . are within the powers granted by Congress to the CIA." He added that if Raus testified without consent of the agency he would "not only be violating the secrecy agreement (which he signed when he joined the CIA) but might also violate the statute prohibiting unlawful disclosure of confidential information respecting the national defense."

The judge had an indirect Supreme Court precedent for his ruling — Barr vs. Mateo, a 5-4 decision that government employees acting in good faith in line of duty are immune from liability for public statements made about individuals or organizations. But what is "good faith"? When is it in "line of duty"? And, looking at the Raus-Heine case, what if the employee has been ordered by his superiors to lie about someone in the interest of "national security"?

We are concerned if the decision as to what is a genuine security matter and what is merely an inconvenience or embarrassment for the CIA is decided not by the courts but by the director of the CIA.